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**From:** Woodward, Lucinda@Parks

**Sent:** Thursday, February 13, 2014 3:01 PM

**To:** CEQA Guidelines

**Cc:** Lynch, Tara@Parks; Randolph, Liane@CNRA; Roland-Nawi, Carol@Parks; Saunders, Jenan@Parks; Marcos Guerrero

**Subject:** Topics for the 2014 CEQA Guidelines Update

The California Office of Historic Preservation screens CEQA documents and provides comments regarding the identification and effects to historical resources. Based on our experience we recommend reviewing the following sections of the CEQA Guidelines to provide clarity and guidance.

Section 15063 (Initial Study)

- Need more direction and clarification about what constitutes an appropriate level of effort to determine that there is “no substantial evidence that the project or any of its aspects may cause a substantial effect on the environment.” With regard to historical resources, and in particular archeological properties and properties significant to Native American tribes, we often see no substantial evidence. The explanation in the IS/MND is that the lead agency will monitor and mitigate if something is encountered during project construction. There is often little to no effort to determine if there is a historical resource there in the first place. This precludes any meaningful efforts to consider alternatives that would avoid impact. Agencies are using project monitoring as a substitute for identification of historical resources up front. Agencies are providing no evidence as to whether a property exists or is likely to exist, yet they are applying a one-size-fits-all mitigation.

Section 15064 (Determining the Significance of the Environmental Effects Caused by a Project)

- Measuring cumulative impacts to historic districts need to be addressed. A historic district is one category of historical resources identified in the California Register of Historical Resources. The California Register refers to the listing criteria of the National Register of Historic Places which defines a district as a property that “. . . possess a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development” (National Register Bulletin, How to Apply the National Register Criteria for evaluation). Clarification is also needed to determine if the historical resource being potentially impacted is the district as a whole, or an individual property within the district.

Section 15064.5 (b)(3) (Determining the Significance of Impacts on Historical and Unique Archeology Properties)

- This section states that a project that conforms to the Secretary of the Interior’s Standards for the Treatment of Historic Properties shall be considered to be mitigated to a level of less than a significant impact on the historical resource, yet Section 15331 states that such a project is categorically exempt from CEQA.

Section 154126.4 (b)(2) (Mitigation Measures Related to Impacts on Historical Resources)

- More clarification is needed about what “In some circumstances” means, and instances when mitigation cannot reduce the impact of demolition to less than a significant adverse impact. Is

the measure the amount of demolition proposed, i.e., partial versus total? Or is the measure the significance of the property or the reason for its significance?

Surplus of State Owned Properties

- Section 15312 (Surplus Government Property Sales) provides a categorical exemption for the surplus of government property in general. Section 11011(k) (1-2) of the California Government Code appears to provide a statutory exemption for the surplus of state owned real property. If this section of the Government Code is indeed a statutory exemption then we request that it be added to Article 18 of the CEQA Guidelines.

Although we have not provided suggested language at this time, the OHP would be willing to work with OPR on any proposed guideline changes that affect historical resources.

*Lucinda M. Woodward*